

# **EXHIBIT 5**

**Report of Proceedings, *People v. Acevedo*,  
24-MC1-199522 (Cir. Ct. Cook Cty., Ill.)**

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF C O O K )  
  
IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT-MUNICIPAL DIVISION  
  
PEOPLE OF THE STATE )  
OF ILLINOIS, )  
 )  
Plaintiff, )  
 )  
-vs- ) CASE NO.  
 ) 24-MC1-199522  
ETHAN ACEVEDO, )  
 )  
Defendant. )  
  
REPORT OF VIDEO-CONFERENCE PROCEEDINGS  
held on July 16, 2024, before the HONORABLE  
DONALD D. PANARESE, JR., Judge of said court,  
Branch 29.  
APPEARANCES:  
  
MS. MARY RICHARDSON-LOWRY, CORPORATION  
COUNSEL OF THE CITY OF CHICAGO, BY:  
MR. TIMOTHY CHO,  
ASSISTANT CORPORATION COUNSEL,  
  
Appeared on behalf of the City;  
  
MR. ROBIN RUBRECHT,  
ATTORNEY AT LAW,  
  
Appeared on behalf of the Defendant.  
  
JEAN M. DRISCOLL, C.S.R.  
OFFICIAL COURT REPORTER  
69 WEST WASHINGTON, SUITE 1920  
CHICAGO, IL 60602

Page 1

THE COURT: Who's the Defendant?  
  
MR. CHO: Ethan Acevedo.  
  
THE COURT: Step up, gentlemen. Step up. Go  
ahead, Mr. Cho.  
  
MR. CHO: Good morning, Your Honor. So, Your  
Honor, I know this matter was set for trial once  
before; and, um, we did notify Counsel  
approximately last Thursday that two officers that  
we did notify to be appearing for trial today,  
Sergeant Zatora (phonetic) and Officer Hardy, who  
signed a -- the officers that signed the  
complaints, they indicated that they would not be  
here.  
  
Officer Zatora (phonetic) is on furlough  
and Officer Hardy is on vacation. Officer  
Manirquez, who we did notify, was here this morning  
and indicated that he would be back at 11:00 A.M.  
However, Judge, we believe that they are two  
critical witnesses to our case.  
  
This is a case involving a noise  
ordinance violation as well as a -- a -- what we  
term as a bubble statute, protesting within 50 feet  
of a medical facility. Officers need to testify as  
to distances between the officers, the Defendant,

Page 2

and the establishments.  
  
Our officers are needed, Judge, to prove  
up one of the cases. So, we would respectfully ask  
for a continuance. This is the first time its been  
set. We did notify them last Thursday, Judge. I  
believe the prejudice -- the prejudice would be  
minor.  
  
THE COURT: We don't give dates when it's set  
for trial, Counsel.  
  
MR. CHO: Understood.  
  
THE COURT: With all due respect, your  
request for a continuance is denied.  
  
MR. CHO: Judge, then what we want to do  
here, Judge, if we can is to motion City DWP Count  
1 which I believe would be the --  
  
THE COURT: Music?  
  
MR. CHO: No, Judge.  
  
MR. RUBRECHT: That was the bubble ordinance  
violation.  
  
MR. CHO: Count --  
  
THE COURT: The disorderly?  
  
MR. CHO: Disorderly.  
  
THE COURT: Motion City DWP?  
  
MR. CHO: May I, Judge?

Page 3

THE COURT: Sure.  
  
MR. CHO: And, I guess they are both  
disorderlies, Judge; but, then the count that we  
would be proceeding is the noise ordinance  
violation. That's an amplified sound device would  
not be able to be heard more than a hundred feet  
away. That's the one we are proceeding on, Judge.  
  
THE COURT: Which I believe is Count 1?  
  
MR. CHO: Understood.  
  
MR. RUBRECHT: Yes, Your Honor. But, that is  
in fact not a disorderly charge. There -- There  
were quite a few -- I don't know what to call  
them, Scribner's errors or just errors altogether  
in the paperwork that led to this charge.  
  
THE COURT: Wait one second. So, Count 2 is  
going to be motion City DWP?  
  
MR. CHO: Correct, Judge.  
  
THE COURT: Okay. So, that's done. So,  
you're going to proceed on Count 1?  
  
MR. CHO: Correct, Judge.  
  
THE COURT: At trial?  
  
MR. CHO: Yes.  
  
THE COURT: Okay. Do you have any amendments  
to the complaints?

Page 4

1 MR. CHO: Judge, the statute itself is  
2 correct. Whether the statute's over --  
3 overreaching term of disorderly conduct, Judge, I'm  
4 unsure. I know that the officer signed it that  
5 way. But, it's just that music and amplified sound  
6 ordinance violation.

7 So, perhaps, Judge, if we can just  
8 correct the disorderly conduct, failure to obey  
9 police to amplified sound violation. Judge, that's  
10 the only amendment we would make. The statute  
11 itself is actually correct, Judge.

12 THE COURT: Okay. Any objection?

13 MR. RUBRECHT: Not to that, Your Honor.

14 THE COURT: All right. Waive reswearing and  
15 re-execution?

16 MR. RUBRECHT: I am sorry?

17 THE COURT: Waive reswearing and re-execution  
18 of the complaint?

19 MR. RUBRECHT: Yes, Your Honor.

20 THE COURT: All right. That will be granted.  
21 Please give a copy to the -- to the Court. And,  
22 your officer will be here at 11?

23 MR. CHO: Yes, Judge.

24 THE COURT: Are you going to be ready?

Page 5

1 MR. RUBRECHT: Yes.

2 THE COURT: All right.

3 MR. RUBRECHT: When Your Honor said "DWP", do  
4 I understand correctly that the City might  
5 reinstate that charge at some point?

6 THE COURT: I have no idea what the City is  
7 going to do. They may try. It's the Court's  
8 position usually we will not -- the Court will  
9 not allow them to reinstate once it's set for trial  
10 as we don't give dates for trials unless for  
11 extraordinary circumstances.

12 MR. CHO: Judge, I think the Defense can rest  
13 assure I believe one matter goes to trial, that  
14 double jeopardy -- that double jeopardy will  
15 actually apply to the other one. You can take our  
16 word for it, Counsel, that we're going to be  
17 proceeding on this trial and this trial only; and,  
18 we will not be reinstating for the record.

19 THE COURT: Do you need a few minutes to  
20 prepare your officer?

21 MR. CHO: Yes, Judge. As well, if I were to  
22 make the amendment on the face of the complaint,  
23 Your Honor, do you want us to amend it on the face  
24 of the complaint in the court file or --

Page 6

1 THE COURT: Or, if you would like to make your  
2 amendment and then just photocopy it and give a  
3 copy to the Court. That's fine.

4 MR. CHO: Sorry, Judge.

5 MR. RUBRECHT: In the meantime, if we might,  
6 the -- So, Mr. Acevedo is here. He is the  
7 Defendant. Some equipment of his or technically an  
8 associate of his was taken in the arrest, and they  
9 have not been able to get it back despite the fact  
10 that there is no need for that equipment. It's the  
11 sound amplifier. It's not needed --

12 THE COURT: We can deal with that after the  
13 trial.

14 MR. RUBRECHT: Okay.

15 THE COURT: Very good.

16 (WHEREUPON, THE CASE WAS  
17 PASSED UNTIL 11:00 A.M.)

18 THE COURT: Ethan Acevedo. Step up.

19 Do you have a jury waiver, Counsel?

20 MR. RUBRECHT: Your Honor, I don't have that  
21 form.

22 THE COURT: It should be over on that table.  
23 Mr. Cho, --

24 MR. CHO: Yes.

Page 7

1 THE COURT: -- do you have any amendments to  
2 the complaint?

3 MR. CHO: Yes, Judge. Just, Your Honor,  
4 seeking leave to amend the complaint. Excuse me,  
5 Judge. Just changing -- striking the disorderly  
6 conduct to music and amplified sound violation.  
7 Initialed. Dated.

8 THE COURT: Counsel, you have no objection;  
9 correct?

10 MR. RUBRECHT: To the amendment?

11 THE COURT: To the amendment.

12 MR. RUBRECHT: To changing it from disorderly  
13 to a noise ordinance?

14 THE COURT: Music and amplification sound  
15 violation.

16 MR. RUBRECHT: Yes, Judge. That's perfectly  
17 fine.

18 THE COURT: Mr. Acevedo, step up. You are  
19 charged with music and amplification sound  
20 violation. You're pleading not guilty; is that  
21 correct?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you understand you have the  
24 right to have a trial by jury?

Page 8

1 THE DEFENDANT: Yes, sir.  
2 THE COURT: Do you wish to waive or give up  
3 your right to a jury trial?  
4 THE DEFENDANT: No, sir.  
5 MR. RUBRECHT: That is what we are going to  
6 trial -- I mean, still technically you have a  
7 right to give it up. But, we are going to have  
8 this judge hear it.  
9 THE DEFENDANT: Yes, sir.  
10 THE COURT: Do you wish to waive or give up  
11 your right to a jury trial?  
12 THE DEFENDANT: Yes, sir.  
13 THE COURT: The document entitled Jury Waiver,  
14 is this your signature on the bottom of it?  
15 THE DEFENDANT: Yes, sir.  
16 THE COURT: Let the record reflect it's made  
17 part of the court file the Defendant's executed  
18 jury waiver.  
19 All right. Any preliminary matters?  
20 MR. CHO: Judge, there is body cam that the  
21 City intends to play and there are several body  
22 cams that the Defense attempts to play. All of the  
23 foundations for the body cams are stipulated to.  
24 Additionally, Your Honor, --

Page 9

1 THE COURT: Correct, Counsel?  
2 MR. RUBRECHT: Yes, Your Honor.  
3 THE COURT: Okay.  
4 MR. CHO: Additionally, Judge, there is a  
5 Google maps printout with a distance line between  
6 where the Defense is indicating the defendant was  
7 and the officer was. We are stipulating to that,  
8 as well.  
9 Would, Your Honor, like to look at the  
10 exhibit?  
11 THE COURT: Sure. So stipulated, Counsel?  
12 MR. RUBRECHT: Yes, Your Honor. If you would  
13 like to look at it in color, I have it on my laptop  
14 here as well.  
15 MR. CHO: Judge, the distance indicated  
16 between the two points indicated on Google maps is  
17 also stipulated to in terms of distance.  
18 THE COURT: All right. Counsel, your name  
19 is?  
20 MR. RUBRECHT: Robin Rubrecht.  
21 THE COURT: If you wouldn't mind going on  
22 Zoom so I can make you a cohost so you can play  
23 whatever you want to play.  
24 MR. RUBRECHT: Okay. I would need the Wi-Fi

Page 10

1 password.  
2 THE COURT: It should be right -- There  
3 should be a sheet --  
4 MR. RUBRECHT: I see it here. Very good.  
5 MR. CHO: You can play it under this.  
6 MR. RUBRECHT: Um, it might still be  
7 beneficial to be prepared to do that.  
8 MR. CHO: Of course.  
9 MR. RUBRECHT: Judge, I see your information  
10 for Zoom and Counsel; but, I don't see any  
11 information for the Wi-Fi password.  
12 THE COURT: Mr. Schrobilgen, could you assist  
13 Counsel just getting on so he can --  
14 MR. RUBRECHT: In the alternative, Your  
15 Honor, if it would be acceptable to you, I can  
16 handle that to you.  
17 THE COURT: Well, this way everyone will be  
18 able to see it. The gallery. Everyone.  
19 MR. RUBRECHT: I forgot to ask, would Your  
20 Honor be okay with someone recording?  
21 THE COURT: The court reporter is recording.  
22 MR. RUBRECHT: Okay. Excellent. Very  
23 good.  
24 THE COURT: Okay. It's not going to work?

Page 11

1 MR. CHO: Do you have a hot spot? I have a  
2 hot spot, Counsel, you can use.  
3 THE COURT: You have one witness?  
4 MR. CHO: One witness, Judge.  
5 MR. RUBRECHT: We have -- Technically, we  
6 have four witnesses; but, I don't believe we will  
7 be calling all of them. At this time, my plan is  
8 to call three witnesses total.  
9 THE COURT: Okay. We'll cross that bridge  
10 when we get to it. City ready?  
11 MR. CHO: Yes.  
12 THE COURT: Officer, please raise your right  
13 hand.  
14 Do you swear that the testimony you are  
15 about to give will be the truth, the whole truth,  
16 nothing but the truth so help you God?  
17 THE WITNESS: I do.  
18 (WHEREUPON THE  
19 WITNESS WAS DULY  
20 SWORN.)  
21 THE COURT: Officer, step over here. The owl  
22 will be picking you up for the court reporter. I  
23 guess step over to the left. I am sorry. There  
24 you are.

Page 12

1 Okay. Go ahead, City.

2 OFFICER GERARDO MANRIQUEZ,

3 was called as a witness on behalf of the City,

4 after having been duly sworn on his oath, was

5 examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. CHO:

8 Q. Good morning. Officer, please state your

9 name, your star number, and unit of assignment for

10 the record?

11 A. My name is Gerardo Manriquez, last --

12 Star No. 15834.

13 Q. I'm sorry. And, Officer, can you please

14 spell your name for the court reporter?

15 A. Last name? It's M-a-n-r-i-q-u-e-z.

16 Q. Thank you. And, Officer, where are you

17 currently employed?

18 A. Chicago Police.

19 Q. How long have you been employed there?

20 A. It will be one year on August 7th.

21 Q. Okay. Prior to joining the Chicago

22 Police Department, did you have prior police

23 experience?

24 A. I did.

Page 13

1 Q. Where was that?

2 A. Joliet.

3 Q. And was that part of the Joliet Police

4 Department?

5 A. Say that again?

6 Q. Was that part of the Joliet Police

7 Department?

8 A. Yes.

9 Q. Now, prior to joining the Joliet Police

10 Department and Chicago Police Department, did you

11 attend the academy?

12 A. I did.

13 Q. And can you explain -- Where did you

14 attend the academy?

15 A. It is located in Champaign, Illinois.

16 The Police Training Institute.

17 Q. Okay. And during your academy days, did

18 you have training in how to understand and handle

19 an escalated situation involving individuals

20 causing disturbances?

21 A. More or less.

22 Q. Can you explain what type of training you

23 received, if any?

24 A. Basically deescalating -- Basically

Page 14

1 deescalate the situations. Not letting the

2 individual get to you.

3 Q. And were those courses that you took

4 classroom courses?

5 A. Yes. Various classes.

6 Q. Thank you. And did you eventually

7 graduate from the police academy?

8 A. I did.

9 Q. All right. Now, Officer, I want to

10 direct your attention to the date of March 30,

11 2024. Were you on duty at that date?

12 A. I was.

13 Q. Okay. And what was your assignment that

14 day?

15 A. We got dispatched to the disturbance at

16 the parent planhood location.

17 Q. Okay. And prior to that, were you on

18 routine patrol?

19 A. Regular routine patrol.

20 Q. Okay. And that Planned Parenthood

21 location, is that at the approximate location of

22 1201 LaSalle Drive?

23 A. Correct.

24 Q. And that's located in the City of

Page 15

1 Chicago, Illinois?

2 A. Yes.

3 Q. Okay. Now, why were you dispatched

4 there?

5 A. A disturbance.

6 Q. Okay. So, when you arrived, did you

7 arrive in a squad vehicle?

8 A. Yes.

9 Q. And what type -- Was it a marked or

10 unmarked squad vehicle?

11 A. Marked.

12 Q. Now, based on your dispatch,

13 approximately where did you park your vehicle?

14 A. We parked on the west side of LaSalle

15 Street north of Division. The north -- The

16 furthest north part of the parent planhood

17 building.

18 Q. Now, Officer, I'm going to show you what

19 has been marked as City Exhibit 1.

20 And, Judge, Your Honor has a copy. You

21 have this -- Officer, do you recognize this

22 intersection?

23 A. Yes. Division and LaSalle, and this is

24 parent planhood.

Page 16

1 MR. CHO: And, Your Honor, just renewing our  
2 stipulation that a foundation has been agreeable.  
3 THE COURT: So stipulated, Counsel?  
4 MR. RUBRECHT: Yes, Your Honor.  
5 BY MR. CHO:  
6 Q. So, Officer, if you wouldn't mind, here's  
7 a marker. Would you mind marking the top where  
8 your squad vehicle was parked?  
9 A. So, this is the end of the building. So,  
10 roughly right here.  
11 (WITNESS INDICATING.)  
12 MR. CHO: Okay. And, Judge, may the record  
13 reflect that the Officer has drawn a black X at the  
14 left center of the paper here?  
15 THE COURT: The record shall so reflect.  
16 MR. RUBRECHT: May I see that, Your Honor?  
17 THE COURT: Sure. I'm going to mark it a  
18 little --  
19 THE WITNESS: Sorry. I couldn't.  
20 THE COURT: No. That's okay.  
21 MR. CHO: Thank you.  
22 THE COURT: Thank you. Show it to opposing  
23 Counsel.  
24 MR. CHO: Judge, also putting a stipulation

1 on the record that the distance between -- I will  
2 get to that, Judge. My apologies. Strike that.  
3 Q. Officer, once you parked your squad  
4 vehicle where you indicated, what's the first thing  
5 that you observed?  
6 A. I observed a large gathering outside of  
7 the parent planhood location as well across the  
8 street on the east northwest corner of Division and  
9 LaSalle, which is right here where you have it kind  
10 of marked and then right next to here to the bus  
11 stop sign.  
12 (WITNESS INDICATING.)  
13 MR. CHO: Judge, may the record -- Thank  
14 you.  
15 May the record reflect the Officer is  
16 indicating the circle that is on the bottom right  
17 center of the picture, the white circle with a line  
18 going through that to the left?  
19 THE COURT: The record will so reflect.  
20 BY MR. CHO:  
21 Q. So, specifically, with the area that you  
22 marked off where you saw the gathering across the  
23 street from the Planned Parenthood, what did you  
24 observe at that location?

1 A. Across the street or on my side?  
2 Q. Across the street.  
3 A. Across the street? I observed, like  
4 I said, a small gathering with a speaker,  
5 microphone, -- or sorry. I observed Mr. Acevedo on  
6 the microphone.  
7 Q. Okay. So, that individual that you  
8 observed on the micro -- on the megaphone or  
9 microphone, --  
10 A. Microphone.  
11 Q. -- is that person in court today?  
12 A. Yes.  
13 Q. Okay. Can you identify that person by  
14 something that they are wearing?  
15 A. Blue blazer, blue pants, brown shoes.  
16 (WITNESS INDICATING.)  
17 THE COURT: The record will reflect the  
18 in-court identification of Ethan Acevedo.  
19 MR. CHO: Thank you, Judge.  
20 Q. Now, when you parked your vehicle and you  
21 observed the Defendant across the street on the  
22 microphone, were you able to hear anything coming  
23 out of that microphone?  
24 A. Yes.

1 Q. And could you describe what type of noise  
2 or audio you were hearing?  
3 A. Just verbal.  
4 THE COURT: Sir, Officer, keep your voice up.  
5 A. Sorry. Just -- He just was speaking  
6 into the microphone. Verbal -- Verbal -- Um,  
7 sorry.  
8 He was just basically speaking through  
9 the microphone.  
10 BY MR. CHO:  
11 Q. And how would you describe the volume of  
12 that noise while at the location where you parked?  
13 A. It was audible. Even through your --  
14 When we reviewed the body cam footage, you are  
15 actually able to hear it through the body cam  
16 footage.  
17 Q. And, -- And, Officer, did you have a  
18 hard time hearing that audio?  
19 A. No.  
20 Q. Were you straining to hear that audio?  
21 A. Say that again?  
22 Q. Were you straining to hear that audio?  
23 A. No.  
24 Q. And when you arrived in your squad

1 vehicle, were your windows up or were they down?  
2 A. They were actually up.  
3 Q. And as you were approaching the area  
4 where you parked, were you traveling southbound?  
5 A. Southbound towards the corner.  
6 Q. Okay. And while your windows were up,  
7 were you able to audibly hear the megaphone at that  
8 point?  
9 A. Yes.  
10 Q. Okay. Now, based on the observation that  
11 you made, did you eventually make your way across  
12 the street?  
13 A. Eventually, yes.  
14 Q. And at that point were there other  
15 officers on scene as well?  
16 A. Yes. And, there were plain officers on  
17 scene.  
18 Q. Okay. Thank you. And was the Defendant  
19 engaged in conversation with the other officers?  
20 A. Yes.  
21 Q. Okay. What if anything did the Defendant  
22 say to the other officers?  
23 A. Say that again?  
24 Q. What if anything did the Defendant say to

Page 21

1 the other officers?  
2 A. Well, I was still on the Planned  
3 Parenthood corner. Basically, when I made my --  
4 When I made my way across the street, our sergeant  
5 and a bunch of officers were engaged in  
6 conversations with him.  
7 Q. Okay. During this conversation with the  
8 officers, was the Defendant using the microphone to  
9 engage in conversations with the officers?  
10 A. Yes.  
11 Q. Now, eventually, did you observe other  
12 officers place or -- tender a copy of the -- of  
13 the ordinance to the Defendant?  
14 A. Yes. Sergeant Zatora (phonetic) gave him  
15 a copy of the music amplified ordinance.  
16 Q. Okay. And once the Defendant received  
17 that ordinance violation copy, what did he do?  
18 A. He started --  
19 MR. RUBRECHT: Objection to the  
20 characterization of ordinance violation.  
21 Knowledge.  
22 THE COURT: It wasn't a violation. It was the  
23 ordinance. Objection is sustained. Please  
24 rephrase.

Page 22

1 BY MR. CHO:  
2 Q. Once the Sergeant Zatora handed him a  
3 copy of the ordinance violation that -- that  
4 he -- or that it was trying to inform Mr. Acevedo  
5 with, what did the Defendant do?  
6 A. He started to read out the ordinance  
7 through the microphone.  
8 Q. Was the Defendant eventually placed under  
9 arrest?  
10 A. Yes.  
11 MR. CHO: Do you have a connection to the --  
12 MR. RUBRECHT: No. Judge, it requires  
13 signing in through a commercial account; and,  
14 because it's -- this is my private laptop, I do  
15 not have access for my firm's zoom.  
16 However, if the City is willing to  
17 stipulate, that might -- Do we need video or --  
18 Because, we can still get it. Otherwise, I don't  
19 have a way -- I have a thumb drive. I have --  
20 Or, if you have a Zoom log-in --  
21 MR. CHO: Counsel, if you would stipulate  
22 that the body cam of the officer when we show that  
23 the audio is clearly -- um, to be able to hear  
24 body cam across the street, we need to put it in.

Page 23

1 MR. RUBRECHT: Depends on where it says off  
2 the street; but, --  
3 MR. CHO: Where you indicated, Counsel, the  
4 circles -- circle.  
5 MR. RUBRECHT: Thing is we never received the  
6 officer's body cam footage. My apologies. The  
7 other officers that were around Officer Manriquez  
8 were able to see him on his body cam.  
9 MR. CHO: And, Judge, this is off the record.  
10 THE COURT: I'd rather it be on the record;  
11 but, go ahead.  
12 MR. CHO: Would you be willing to stipulate  
13 that officers approximately in this area were able  
14 to clearly hear the audio on the body cam?  
15 Otherwise, we have to play it.  
16 MR. RUBRECHT: Well, we will have to play it.  
17 THE COURT: Play it. I understand where  
18 Counsel is coming from. He doesn't want to  
19 stipulate to your case.  
20 MR. CHO: Understood, Judge. I mean, for  
21 judicial economy --  
22 THE COURT: I understand that, too. I  
23 appreciate that.  
24 MR. CHO: Are you still connected to my hot

Page 24

1 spot, Counsel?

2 MR. RUBRECHT: Yes. I'm not sure.

3 MR. CHO: I might be able to sign into my

4 Zoom, Judge.

5 MR. RUBRECHT: If Your Honor has a way of

6 pulling the video from the thumb drive or if we can

7 plug --

8 THE COURT: No, I don't. Usually what I do is

9 make you a cohost and then you play it; but, I

10 understand your limitations also.

11 MR. RUBRECHT: If need be, I can call someone

12 at my firm and have them relay to me the

13 information to me.

14 THE COURT: Whatever you prefer.

15 (WHEREUPON THE DEFENSE

16 ATTORNEY IS CALLING HIS

17 FIRM ON HIS PHONE AT THE

18 BENCH.)

19 MR. CHO: Judge, in the alternative, my

20 log-in -- Would Your Honor be willing to take the

21 laptop and view the video?

22 THE COURT: Sure.

23 MR. CHO: Not able to get in --

24 MR. RUBRECHT: With regard to the video, um,

Page 25

1 the videos that I have available, regardless of how

2 we are able to show them, um, I have footage from

3 Officer Flaster (phonetic), Sergeant Zatora; but,

4 not the arrest. And, I have footage of Officer

5 Guerin (phonetic). And, then I think Watson.

6 THE DEFENDANT: There was --

7 MR. CHO: The point of view, Counsel, --

8 THE COURT: If there is no objection, I would

9 like the officer to mark my copy of where Planned

10 Parenthood was, where the Defendant was.

11 Is that okay, Counsel?

12 MR. RUBRECHT: Yes. Of course.

13 THE COURT: Officer, put a PP or something

14 just so I have an approximate --

15 MR. CHO: And then where you --

16 THE COURT: More technical difficulties?

17 MR. RUBRECHT: It seems like it. We've

18 passed several hurdles; but, nothing pops up.

19 MR. CHO: And, Judge, for the record, the

20 officer has marked Planned Parenthood as "PP" and

21 where the Defendant was seated with a triangle.

22 THE COURT: Thank you. Just for my

23 edification.

24 MR. CHO: I have --

Page 26

1 MR. RUBRECHT: And, of course, Your Honor, I

2 will want to see that, too.

3 THE COURT: Sure. I'm going to circle them

4 just for --

5 MR. CHO: Understood. While Counsel is doing

6 that, do you mind if I just ask a couple of

7 questions of the officer regarding that mark --

8 markings?

9 THE COURT: Does that look about right?

10 MR. RUBRECHT: Yes, Your Honor.

11 THE COURT: Okay. I don't know which way is

12 north, south --

13 MR. CHO: Judge, it is directionally accurate

14 in terms of the intersection that you're viewing.

15 The left side going towards the right would be west

16 to eastbound and then the top down would be north

17 to southbound. So --

18 THE COURT: Okay. So, the Defendant is on the

19 north -- northeast corner of Division and

20 LaSalle?

21 MR. CHO: Correct, Judge.

22 THE COURT: Planned Parenthood is on the

23 southwest corner of --

24 MR. CHO: Judge, it would be the --

Page 27

1 THE COURT: Northeast -- Northwest corner.

2 MR. CHO: Northwest corner. Excuse me.

3 Northwest.

4 THE COURT: Northwest of corner of LaSalle and

5 Division?

6 MR. CHO: Correct, Judge.

7 THE COURT: And the "X" is where the officer

8 was?

9 MR. CHO: Officer parked his vehicle, yes.

10 THE COURT: Okay. Very good. Go ahead.

11 BY MR. CHO:

12 Q. Officer, did you eventually make your way

13 over to where you indicated that Planned Parenthood

14 was on the sheet paper?

15 A. Yes.

16 Q. Okay. But, prior to that, -- And, which

17 direction were you walking towards that at the

18 time?

19 A. So, parked. Walked towards the Planned

20 Parenthood. That would be southbound.

21 Q. Okay. And prior to making your way

22 towards the Planned Parenthood, you got out of your

23 squad vehicle?

24 A. Yes.

Page 28

1 Q. And at that point before you made your  
2 way to that corner, were you still able to hear the  
3 microphone that the Defendant was using audibly?

4 A. Yes.

5 Q. And can you describe the volume of that  
6 audio?

7 MR. RUBRECHT: Objection, Your Honor. Asked  
8 and answered.

9 THE COURT: I didn't hear the answer.

10 A. It was noticeable.

11 THE COURT: It was noticeable.

12 A. Audible.

13 THE COURT: That will be stand.

14 MR. CHO: Judge, other than we are seeking to  
15 play the video --

16 MR. RUBRECHT: So, at this moment you are  
17 talking about --

18 MR. CHO: There is a moment.

19 (WHEREUPON THE ATTORNEYS  
20 ARE TALKING TO THEMSELVES  
21 AND NOT DIRECTING THEIR  
22 CONVERSATION TO THE  
23 JUDGE FOR THE RECORD.)

24 MR. RUBRECHT: Your Honor, if I may?

Page 29

1 THE COURT: Sure. Just don't drop it.

2 (WHEREUPON THE ATTORNEY IS  
3 HANDING THE COURT HIS  
4 LAPTOP COMPUTER.)

5 THE COURT: Audio?

6 MR. RUBRECHT: It can be turned louder; but,  
7 it should be audible. You just need to hit play.  
8 Oh, with a mouse. I can take care of it if you  
9 would like.

10 THE COURT: It's going.

11 MR. CHO: I believe the volume --

12 THE COURT: The volume needs to be --

13 MR. RUBRECHT: Up for it. Some of the parts  
14 the audio is not turned on.

15 MR. CHO: That's about a few minutes in. It  
16 should have audio, I think.

17 MR. RUBRECHT: Video will complete -- You'll  
18 hear audio by the time of the officer -- I believe  
19 this is Officer Watson. It doesn't really matter.

20 MR. CHO: Counsel --

21 (WHEREUPON THE VIDEO  
22 IS BEING PLAYED ON  
23 THE LAPTOP COMPUTER.)

24 MR. CHO: All right, Judge.

Page 30

1 THE COURT: I am sorry?

2 MR. CHO: We ask to publish it at this point.  
3 If Counsel wishes to play the entire video, fine.  
4 But, for the purpose of our case in chief, Judge,  
5 if I may just ask a couple follow-ups?

6 THE COURT: Sure.

7 BY MR. CHO:

8 Q. Officer, if -- Judge, may I?

9 In that video, were you located -- were  
10 you located on the northwest corner of the  
11 intersection during the time the video was  
12 playing?

13 A. Yes.

14 Q. And during that time, was the Defendant  
15 continually engaged in speaking to you through the  
16 microphone?

17 A. Yes.

18 Q. Officer -- Strike that, Judge.

19 Did you make your way across the street?

20 A. Yes.

21 MR. CHO: I tender the witness.

22 THE COURT: Cross-examination.

23 CROSS EXAMINATION

24 BY MR. RUBRECHT:

Page 31

1 Q. Officer Manriquez, you were asked about  
2 when you pulled up to near Planned Parenthood in  
3 your squad vehicle; is that correct?

4 A. Yes.

5 Q. At that time while you were in the squad  
6 vehicle, were you able to see, um, Mr. Acevedo?

7 A. Yes.

8 Q. Were you able to determine what he was  
9 wearing?

10 A. Not right away.

11 Q. Were you aware that there was another  
12 individual that spoke on the microphone for  
13 approximately half an hour to an hour?

14 MR. CHO: Objection, Judge. Calls for  
15 speculation as to what happened before he arrived.

16 THE COURT: Are you asking him what happened  
17 before he arrived? If he knew?

18 MR. RUBRECHT: No. No. I am asking -- I  
19 will rephrase that.

20 Q. Are you aware that in the -- throughout  
21 the events that are at issue here, there was more  
22 than one individual speaking on the microphone?

23 A. All I remember is him speaking through  
24 the microphone; because, me and my field training

Page 32

officer, we didn't arrive until like 9:59 A.M.,  
based on my body footage.

Q. When was the first time that you  
approached Mr. Acevedo up close?

A. I don't have an exact time; but, it was  
after 10:00 A.M. Eventually, when we made our way  
across the street towards where he was located at.

Q. And it was very soon before the moment he  
was arrested?

A. Say that again?

Q. It was very soon before he was arrested?

A. Basically right before he got arrested.

Q. Do I understand then that until you  
approached him in the moment immediately prior to  
his arrest, you were never less than a hundred feet  
or 80 feet from -- across the intersection from Mr.  
Acevedo?

MR. CHO: Objection.

A. Will you rephrase that?

THE COURT: Can you rephrase that?

BY MR. RUBRECHT:

Q. Do I understand correctly then that until  
you approached Mr. Acevedo, the moment immediately  
before his arrest, you were on the northwest side

of the intersection?

A. We parked just north of the parent  
planhood location. That's where we parked. We  
made our way to the actual corner and then  
eventually we made our way across the street  
towards the Defendant.

Q. Do you recall anyone asking Mr. Acevedo  
to turn down the volume?

MR. CHO: Objection. Hearsay.

THE COURT: Sustained. Please rephrase.

Did anyone ask him to turn down the  
volume?

THE WITNESS: Yes.

BY MR. RUBRECHT:

Q. Who asked him to turn down the volume?

A. Well, Sergeant Zatora when he was talking  
to him. When he gave him the -- the ordinance.

MR. RUBRECHT: I suppose I should object to  
that based on hearsay. We don't have Sergeant  
Zatora here.

THE COURT: Sustained.

MR. CHO: Judge, he asked the question and he  
objected to the answer. He asked who and then when  
he gave --

THE COURT: Rule number one, if you don't know  
the answer, you don't ask the question. Right?

MR. CHO: Okay, Judge. Understood.

BY MR. RUBRECHT:

Q. Officer Manriquez, when you hear  
conversation outside your vehicle's window  
immediately next to you, are you able to hear what  
is said?

A. Can you reask the question again?

Q. If you are in your squad car with the  
windows rolled up and someone is speaking next to  
you outside the vehicle, are you able to hear what  
that individual is saying?

MR. CHO: Objection to the hypothetical.  
Non-relevant hypothetical, Judge. Not relevant.  
Objection. Relevance.

MR. RUBRECHT: It is relevant because the  
ordinance is extremely subjective. It mentions  
nothing about decibel levels. It just says louder  
than average conversational level. So, the only  
thing we have to go off of is the officer's  
feelings -- that officer's feelings.

THE COURT: You may answer, if you understand  
the question.

MR. CHO: Judge, I apologize. Where in the  
statute do you see that, Counsel?

MR. RUBRECHT: I have it here. The ordinance  
reads "no person in the public way shall employ any  
device that amplifies sound that is louder than  
average conversational level at a distance of  
100 feet or more measured virtually -- "

MR. CHO: I got it.

MR. RUBRECHT: Shall I repeat the question,  
Your Honor?

THE COURT: Please.

BY MR. RUBRECHT:

Q. My question was, Officer Manriquez, if  
you are sitting in your squad vehicle with the  
windows rolled up and someone is talking right  
outside your vehicle, are you able to hear the  
conversation or the words?

MR. CHO: Just renew my objection.

THE COURT: Overruled. You may answer,  
Officer.

A. In my opinion, it depends how loud the  
person is actually speaking.

THE COURT: That's what he is asking you.

THE WITNESS: Oh.

1 BY MR. RUBRECHT:  
2 Q. Average conversation?  
3 A. Average conversation?  
4 Q. Like you -- you and I are doing right  
5 now.  
6 A. Probably not.  
7 Q. Fair enough. Just a moment, Your Honor.  
8 Thank you.  
9 Oh, Officer Manriquez, did you measure  
10 the volume of Mr. Acevedo's speech?  
11 A. I have no way of measuring that.  
12 THE COURT: You know, based on the Officer's  
13 truthfulness and his testimony, and he has done a  
14 very fine job; but, the City has not met their  
15 burden. There is a finding of not guilty.  
16 MR. RUBRECHT: Thank you, Your Honor.  
17 THE COURT: Thank you. Thank you, Officer.  
18 There's no fault of yours. You testified  
19 truthfully, credibly. You testified very well.  
20 Now, as far as this equipment, whose  
21 equipment is this?  
22 THE DEFENDANT: Friend of mine.  
23 THE COURT: Well, he's going to have to  
24 come in with proof of ownership to get it

Page 37

1 released.  
2 THE DEFENDANT: It's written under my --  
3 THE COURT: I am sorry?  
4 MR. RUBRECHT: Oh, the -- the evidence  
5 sheet has it --  
6 THE COURT: I believe it's under him; but --  
7 MR. RUBRECHT: No -- Yeah, it's under his  
8 name.  
9 THE COURT: But, if it's someone else's  
10 equipment, he's going to have to come in with  
11 ownership --  
12 THE DEFENDANT: How is --  
13 THE COURT: -- and I'll release them.  
14 THE DEFENDANT: -- he going to prove  
15 ownership?  
16 THE COURT: Receipts when he purchased it.  
17 THE DEFENDANT: That's ridiculous.  
18 THE COURT: All right. Court is in recess.  
19 (WHEREUPON, THOSE WERE ALL OF  
20 THE PROCEEDINGS HELD IN THE  
21 ABOVE-ENTITLED CAUSE.)  
22  
23  
24

Page 38

1 STATE OF ILLINOIS )  
2 ) S.S.  
3 COUNTY OF COOK )  
4  
5 I, JEAN M. DRISCOLL, C.S.R., OFFICIAL  
6 COURT REPORTER, CIRCUIT COURT OF COOK COUNTY,  
7 COUNTY DEPARTMENT, MUNICIPAL DIVISION, do hereby  
8 certify that I reported in shorthand the  
9 proceedings held in the above entitled cause; that  
10 I caused the above report of proceedings to be  
11 transcribed into typewriting, which I hereby  
12 certify is a true and correct transcript of the  
13 proceedings held before the HONORABLE DONALD D.  
14 PANARESE, JR., Judge of said court, Branch 29.  
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*Jean M. Driscoll*  
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JEAN M. DRISCOLL, C.S.R.  
OFFICIAL COURT REPORTER

1-15-2025  
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DATE

C.S.R. Certificate No. 084-002816

Page 39